



General Assembly

January Session, 2009

***Raised Bill No. 6423***

LCO No. 3422

\* \_\_\_\_\_HB06423CE\_FIN031709\_\_\_\_\_\*

Referred to Committee on Commerce

Introduced by:  
(CE)

***AN ACT CONCERNING INFRASTRUCTURE ENHANCEMENT AT THE  
UNITED STATES NAVAL SUBMARINE BASE-NEW LONDON.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 32-235 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) For the purposes described in subsection (b) of this section, the  
4 State Bond Commission shall have the power, from time to time to  
5 authorize the issuance of bonds of the state in one or more series and  
6 in principal amounts not exceeding in the aggregate five hundred  
7 ninety-five million three hundred thousand dollars, provided forty-  
8 five million dollars of said authorization shall be effective July 1, 2008.

9 (b) The proceeds of the sale of said bonds, to the extent of the  
10 amount stated in subsection (a) of this section, shall be used by the  
11 Department of Economic and Community Development for the  
12 purposes of sections 32-220 to 32-234, inclusive, as amended by this  
13 act, including economic cluster-related programs and activities, and  
14 for the Connecticut job training finance demonstration program  
15 pursuant to sections 32-23uu and 32-23vv provided, (1) three million

16 dollars shall be used by said department solely for the purposes of  
 17 section 32-23uu and not more than five million two hundred fifty  
 18 thousand dollars of the amount stated in said subsection (a) may be  
 19 used by said department for the purposes of section 31-3u, (2) not less  
 20 than one million dollars shall be used for an educational technology  
 21 grant to the deployment center program and the nonprofit business  
 22 consortium deployment center approved pursuant to section 32-41l, (3)  
 23 not less than two million dollars shall be used by said department for  
 24 the establishment of a pilot program to make grants to businesses in  
 25 designated areas of the state for construction, renovation or  
 26 improvement of small manufacturing facilities provided such grants  
 27 are matched by the business, a municipality or another financing  
 28 entity. The Commissioner of Economic and Community Development  
 29 shall designate areas of the state where manufacturing is a substantial  
 30 part of the local economy and shall make grants under such pilot  
 31 program which are likely to produce a significant economic  
 32 development benefit for the designated area, (4) five million dollars  
 33 may be used by said department for the manufacturing  
 34 competitiveness grants program, (5) one million dollars shall be used  
 35 by said department for the purpose of a grant to the Connecticut  
 36 Center for Advanced Technology, for the purposes of section 32-237,  
 37 (6) fifty million dollars shall be used by said department for the  
 38 purpose of grants to the United States Department of the Navy, the  
 39 United States Department of Defense or eligible applicants for projects  
 40 related to the enhancement of infrastructure for long-term, on-going  
 41 naval operations at the United States Naval Submarine Base-New  
 42 London, located in Groton, which will increase the military value of  
 43 said base, and (7) two million dollars shall be used by said department  
 44 for the purpose of a grant to the Connecticut Center for Advanced  
 45 Technology, Inc., for manufacturing initiatives, including aerospace  
 46 and defense.

47 (c) All provisions of section 3-20, or the exercise of any right or  
 48 power granted thereby which are not inconsistent with the provisions  
 49 of this section are hereby adopted and shall apply to all bonds

50 authorized by the State Bond Commission pursuant to this section, and  
 51 temporary notes in anticipation of the money to be derived from the  
 52 sale of any such bonds so authorized may be issued in accordance with  
 53 said section 3-20 and from time to time renewed. Such bonds shall  
 54 mature at such time or times not exceeding twenty years from their  
 55 respective dates as may be provided in or pursuant to the resolution or  
 56 resolutions of the State Bond Commission authorizing such bonds.  
 57 None of said bonds shall be authorized except upon a finding by the  
 58 State Bond Commission that there has been filed with it a request for  
 59 such authorization, which is signed by or on behalf of the Secretary of  
 60 the Office of Policy and Management and states such terms and  
 61 conditions as said commission, in its discretion, may require. Said  
 62 bonds issued pursuant to this section shall be general obligations of the  
 63 state and the full faith and credit of the state of Connecticut are  
 64 pledged for the payment of the principal of and interest on said bonds  
 65 as the same become due, and accordingly and as part of the contract of  
 66 the state with the holders of said bonds, appropriation of all amounts  
 67 necessary for punctual payment of such principal and interest is  
 68 hereby made, and the Treasurer shall pay such principal and interest  
 69 as the same become due.

70 (d) For the purposes of subdivision (6) of subsection (b) of this  
 71 section, grants to the United States Department of the Navy or the  
 72 United States Department of Defense shall not be subject to compliance  
 73 with any executive order of the Governor.

74 Sec. 2. Subsection (a) of section 32-223 of the general statutes is  
 75 repealed and the following is substituted in lieu thereof (*Effective from*  
 76 *passage*):

77 (a) (1) An eligible applicant shall submit an application for financial  
 78 assistance to the commissioner on forms provided by the  
 79 commissioner and with such information the commissioner deems  
 80 necessary, including, but not limited to: [(1)] (A) A description of the  
 81 proposed project; [(2)] (B) an explanation of the expected benefits of  
 82 the project in relation to the purposes of sections 32-220 to 32-234,

83 inclusive, as amended by this act; [(3)] (C) information concerning the  
 84 financial and technical capacity of the eligible applicant to undertake  
 85 the proposed project; [(4)] (D) a project budget; and [(5)] (E)  
 86 identification, when appropriate, of business support services that may  
 87 be of benefit to the state and the manufacturing and economic base  
 88 businesses located or locating in the project area as part of the project.  
 89 In the case of a municipal development project the eligible applicant  
 90 shall, in addition to an application for financial assistance, submit a  
 91 development plan prepared pursuant to subsection (b) of section 32-  
 92 224 and approved by the commissioner, provided an eligible applicant  
 93 may, prior to the submission of a development plan, receive financial  
 94 assistance for activities related to the planning of a municipal  
 95 development project to the extent such assistance is provided for  
 96 under subsection (b) of this section.

97 (2) The United States Department of the Navy, the United States  
 98 Department of Defense or eligible applicants shall not be required to  
 99 submit an application for financial assistance to the commissioner, as  
 100 required by subsection (a) of this section, for projects related to the  
 101 enhancement of infrastructure for long-term, on-going naval  
 102 operations at the United States Naval Submarine Base-New London  
 103 that are funded by grants to said Department of the Navy, said  
 104 Department of Defense or said applicants as provided in subdivision  
 105 (6) of subsection (b) of this section.

106 Sec. 3. Subsection (c) of section 32-223 of the general statutes is  
 107 repealed and the following is substituted in lieu thereof (*Effective from*  
 108 *passage*):

109 (c) No financial assistance shall be given to an eligible applicant and  
 110 no participation interest in a loan made by the Connecticut  
 111 Development Authority for the benefit of an eligible applicant shall be  
 112 purchased by the department until the commissioner has approved the  
 113 application submitted in accordance with subsection (a) of this section.  
 114 Notwithstanding any other provision of this section, in the event that  
 115 the financial assistance requested is the purchase by the department of

116 a participation interest in a loan made by the Connecticut  
 117 Development Authority, such authority may submit such application  
 118 and other information as is required of eligible applicants under  
 119 subsection (a) of this section on behalf of such eligible applicant and no  
 120 further application shall be required of such eligible applicant. No  
 121 financial assistance shall exceed: (1) Except as otherwise provided in  
 122 subdivisions (2) to ~~[(5)]~~ (6), inclusive, of this subsection, fifty per cent  
 123 of the total project cost, (2) in the case of financial assistance to any  
 124 project in a targeted investment community, ninety per cent of the  
 125 project cost, (3) when two or more municipalities which are not  
 126 targeted investment communities jointly initiate a municipal  
 127 development project in accordance with the provisions of subsection  
 128 (e) of section 32-224, seventy-five per cent of the total project cost, (4) in  
 129 the case of a municipal development project jointly initiated by two or  
 130 more municipalities at least one of which is a targeted investment  
 131 community, the sum of: (A) Seventy-five per cent of the portion of the  
 132 total project cost allocable to the participation of the municipality or  
 133 municipalities which are not targeted investment communities, and (B)  
 134 ninety per cent of the portion of the total project cost allocable to the  
 135 participation of any targeted investment community or communities,  
 136 ~~[and]~~ (5) in the case of a defense diversification project, ninety per cent  
 137 of the total project cost if the project involves a municipal development  
 138 project or the acquisition or development, or both, of real property for  
 139 an unspecified occupant, and one hundred per cent in the case of any  
 140 other defense diversification project, and (6) in the case of moneys  
 141 used by the department for the purpose of grants to the United States  
 142 Department of the Navy, United States Department of Defense or  
 143 eligible applicants for projects related to the enhancement of  
 144 infrastructure for long-term, on-going naval operations at the United  
 145 States Naval Submarine Base-New London, as provided in subdivision  
 146 (6) of subsection (b) of section 32-235, as amended by this act, one  
 147 hundred per cent of the total project cost. A municipality's share of the  
 148 total project cost, if any, may, with the approval of the commissioner,  
 149 be satisfied entirely or partially from noncash contributions, including  
 150 contributions of real property, from private sources, or, to the extent

151 permitted by federal law, from moneys received by the municipality  
152 under any federal grant program.

153 Sec. 4. Section 9-612 of the general statutes is repealed and the  
154 following is substituted in lieu thereof (*Effective from passage*):

155 (a) No individual shall make a contribution or contributions in any  
156 one calendar year in excess of five thousand dollars to the state central  
157 committee of any party, or for the benefit of such committee pursuant  
158 to its authorization or request; or one thousand dollars to a town  
159 committee of any political party, or for the benefit of such committee  
160 pursuant to its authorization or request; or one thousand dollars to a  
161 legislative caucus committee or legislative leadership committee, or  
162 seven hundred fifty dollars to any other political committee other than  
163 (1) a political committee formed solely to aid or promote the success or  
164 defeat of a referendum question, (2) an exploratory committee, (3) a  
165 political committee established by an organization, or for the benefit of  
166 such committee pursuant to its authorization or request, or (4) a  
167 political committee formed by a slate of candidates in a primary for the  
168 office of justice of the peace of the same town.

169 (b) No individual shall make a contribution to a political committee  
170 established by an organization which receives its funds from the  
171 organization's treasury. With respect to a political committee  
172 established by an organization which has complied with the provisions  
173 of subsection (b) or (c) of section 9-614, and has elected to receive  
174 contributions, no individual other than a member of the organization  
175 may make contributions to the committee, in which case the individual  
176 may contribute not more than seven hundred fifty dollars in any one  
177 calendar year to such committee or for the benefit of such committee  
178 pursuant to its authorization or request.

179 (c) In no event may any individual make contributions to a  
180 candidate committee and a political committee formed solely to  
181 support one candidate other than an exploratory committee or for the  
182 benefit of a candidate committee and a political committee formed

183 solely to support one candidate pursuant to the authorization or  
184 request of any such committee, in an amount which in the aggregate is  
185 in excess of the maximum amount which may be contributed to the  
186 candidate.

187 (d) Any individual may make unlimited contributions or  
188 expenditures to aid or promote the success or defeat of any  
189 referendum question, provided any individual who makes an  
190 expenditure or expenditures in excess of one thousand dollars to  
191 promote the success or defeat of any referendum question shall file  
192 statements according to the same schedule and in the same manner as  
193 is required of a campaign treasurer of a political committee under  
194 section 9-608.

195 (e) (1) Any individual acting alone may, independent of any  
196 candidate, agent of the candidate, or committee, make unlimited  
197 expenditures to promote the success or defeat of any candidate's  
198 campaign for election, or nomination at a primary, to any office or  
199 position. Except as provided in subdivision (2) of this subsection, any  
200 individual who makes an independent expenditure or expenditures in  
201 excess of one thousand dollars to promote the success or defeat of any  
202 candidate's campaign for election, or nomination at a primary, to any  
203 such office or position shall file statements according to the same  
204 schedule and in the same manner as is required of a campaign  
205 treasurer of a candidate committee under section 9-608.

206 (2) Any person who makes or obligates to make an independent  
207 expenditure or expenditures, as defined in section 9-601, intended to  
208 promote the success or defeat of a candidate for the office of Governor,  
209 Lieutenant Governor, Secretary of the State, State Treasurer, State  
210 Comptroller, Attorney General, state senator or state representative,  
211 which exceeds one thousand dollars, in the aggregate, during a  
212 primary campaign or a general election campaign, as defined in  
213 section 9-700, on or after January 1, 2008, shall file a report of such  
214 independent expenditure to the State Elections Enforcement  
215 Commission. The report shall be in the same form as statements filed

216 under section 9-608. If the person makes or obligates to make such  
217 independent expenditure or expenditures more than twenty days  
218 before the day of a primary or election, the person shall file such report  
219 not later than forty-eight hours after such payment or obligation. If the  
220 person makes or obligates to make such independent expenditure or  
221 expenditures twenty days or less before the day of a primary or  
222 election, the person shall file such report not later than twenty-four  
223 hours after such payment or obligation. The report shall be filed under  
224 penalty of false statement.

225 (3) The independent expenditure report in subdivision (2) of this  
226 subsection shall include a statement (A) identifying the candidate for  
227 whom the independent expenditure or expenditures is intended to  
228 promote the success or defeat, and (B) affirming that the expenditure is  
229 not a coordinated expenditure.

230 (4) Any person may file a complaint with the commission upon the  
231 belief that (A) any such independent expenditure report or statement  
232 is false, or (B) any person who is required to file an independent  
233 expenditure report under subdivision (2) of this subsection has failed  
234 to do so. The commission shall make a prompt determination on such  
235 a complaint.

236 (5) (A) If a person fails to file a report required under subdivision (2)  
237 of this subsection for an independent expenditure or expenditures  
238 made or obligated to be made more than twenty days before the day of  
239 a primary or election, the person shall be subject to a civil penalty,  
240 imposed by the State Elections Enforcement Commission, of not more  
241 than five thousand dollars. If a person fails to file a report required  
242 under subdivision (2) of this subsection for an independent  
243 expenditure or expenditures made or obligated to be made twenty  
244 days or less before the day of a primary or election, the person shall be  
245 subject to a civil penalty, imposed by the State Elections Enforcement  
246 Commission, of not more than ten thousand dollars. (B) If any such  
247 failure is knowing and wilful, the person responsible for the failure  
248 shall also be fined not more than five thousand dollars or imprisoned



249 not more than five years, or both.

250 (f) (1) As used in this subsection and subsection (f) of section 9-608,  
251 (A) "investment services" means investment legal services, investment  
252 banking services, investment advisory services, underwriting services,  
253 financial advisory services or brokerage firm services, and (B)  
254 "principal of an investment services firm" means (i) an individual who  
255 is a director of or has an ownership interest in an investment services  
256 firm to which the State Treasurer pays compensation, expenses or fees  
257 or issues a contract, except for an individual who owns less than five  
258 per cent of the shares of an investment services firm, (ii) an individual  
259 who is employed by such an investment services firm as president,  
260 treasurer, or executive vice president, (iii) an employee of such an  
261 investment services firm who has managerial or discretionary  
262 responsibilities with respect to any investment services provided to the  
263 State Treasurer, (iv) the spouse or a dependent child who is eighteen  
264 years of age or older of an individual described in this subparagraph,  
265 or (v) a political committee established or controlled by an individual  
266 described in this subparagraph.

267 (2) No principal of an investment services firm shall make a  
268 contribution to, or solicit contributions on behalf of, an exploratory  
269 committee or candidate committee established by a candidate for  
270 nomination or election to the office of State Treasurer during the term  
271 of office of the State Treasurer who pays compensation, expenses or  
272 fees or issues a contract to such firm. The provisions of this subdivision  
273 shall apply only to contributions and the solicitation of contributions  
274 that are not prohibited under subdivision (2) of subsection (g) of this  
275 section.

276 (3) Neither the State Treasurer, the Deputy State Treasurer, any  
277 unclassified employee of the office of the State Treasurer acting on  
278 behalf of the State Treasurer or Deputy State Treasurer, any candidate  
279 for the office of State Treasurer, any member of the Investment  
280 Advisory Council established under section 3-13b nor any agent of any  
281 such candidate may knowingly, wilfully or intentionally solicit

282 contributions on behalf of an exploratory committee or candidate  
283 committee established by a candidate for nomination or election to any  
284 public office, a political committee or a party committee, from a  
285 principal of an investment services firm. The provisions of this  
286 subdivision shall apply only to contributions and the solicitation of  
287 contributions that are not prohibited under subdivision (3) of  
288 subsection (g) of this section.

289 (4) No member of the Investment Advisory Council appointed  
290 under section 3-13b shall make a contribution to, or solicit  
291 contributions on behalf of, an exploratory committee or candidate  
292 committee established by a candidate for nomination or election to the  
293 office of State Treasurer.

294 (5) The provisions of this subsection shall not restrict an individual  
295 from establishing an exploratory or candidate committee or from  
296 soliciting for and making contributions to a town committee or  
297 political committee that the candidate has designated in accordance  
298 with subsection (b) of section 9-604, for the financing of the  
299 individual's own campaign or from soliciting contributions for such  
300 committees from persons not prohibited from making contributions  
301 under this subsection.

302 (g) (1) As used in this subsection and subsections (h) and (i) of this  
303 section:

304 (A) "Quasi-public agency" has the same meaning as provided in  
305 section 1-120.

306 (B) "State agency" means any office, department, board, council,  
307 commission, institution or other agency in the executive or legislative  
308 branch of state government.

309 (C) "State contract" means an agreement or contract with the state or  
310 any state agency or any quasi-public agency, let through a  
311 procurement process or otherwise, having a value of fifty thousand  
312 dollars or more, or a combination or series of such agreements or

313 contracts having a value of one hundred thousand dollars or more in a  
314 calendar year, for (i) the rendition of services, (ii) the furnishing of any  
315 goods, material, supplies, equipment or any items of any kind, (iii) the  
316 construction, alteration or repair of any public building or public work,  
317 (iv) the acquisition, sale or lease of any land or building, (v) a licensing  
318 arrangement, or (vi) a grant, loan or loan guarantee. "State contract"  
319 does not include any agreement or contract with the state, any state  
320 agency or any quasi-public agency that is exclusively federally funded,  
321 an education loan or a loan to an individual for other than commercial  
322 purposes.

323 (D) "State contractor" means a person, business entity or nonprofit  
324 organization that enters into a state contract. Such person, business  
325 entity or nonprofit organization shall be deemed to be a state  
326 contractor until December thirty-first of the year in which such  
327 contract terminates. "State contractor" does not include a municipality  
328 or any other political subdivision of the state, including any entities or  
329 associations duly created by the municipality or political subdivision  
330 exclusively amongst themselves to further any purpose authorized by  
331 statute or charter, or an employee in the executive or legislative branch  
332 of state government or a quasi-public agency, whether in the classified  
333 or unclassified service and full or part-time, and only in such person's  
334 capacity as a state or quasi-public agency employee.

335 (E) "Prospective state contractor" means a person, business entity or  
336 nonprofit organization that (i) submits a response to a state contract  
337 solicitation by the state, a state agency or a quasi-public agency, or a  
338 proposal in response to a request for proposals by the state, a state  
339 agency or a quasi-public agency, until the contract has been entered  
340 into, or (ii) holds a valid prequalification certificate issued by the  
341 Commissioner of Administrative Services under section 4a-100.  
342 "Prospective state contractor" does not include a municipality or any  
343 other political subdivision of the state, including any entities or  
344 associations duly created by the municipality or political subdivision  
345 exclusively amongst themselves to further any purpose authorized by  
346 statute or charter, or an employee in the executive or legislative branch

347 of state government or a quasi-public agency, whether in the classified  
348 or unclassified service and full or part-time, and only in such person's  
349 capacity as a state or quasi-public agency employee.

350 (F) "Principal of a state contractor or prospective state contractor"  
351 means (i) any individual who is a member of the board of directors of,  
352 or has an ownership interest of five per cent or more in, a state  
353 contractor or prospective state contractor, which is a business entity,  
354 except for an individual who is a member of the board of directors of a  
355 nonprofit organization, (ii) an individual who is employed by a state  
356 contractor or prospective state contractor, which is a business entity, as  
357 president, treasurer or executive vice president, (iii) an individual who  
358 is the chief executive officer of a state contractor or prospective state  
359 contractor, which is not a business entity, or if a state contractor or  
360 prospective state contractor has no such officer, then the officer who  
361 duly possesses comparable powers and duties, (iv) an officer or an  
362 employee of any state contractor or prospective state contractor who  
363 has managerial or discretionary responsibilities with respect to a state  
364 contract, (v) the spouse or a dependent child who is eighteen years of  
365 age or older of an individual described in this subparagraph, or (vi) a  
366 political committee established or controlled by an individual  
367 described in this subparagraph or the business entity or nonprofit  
368 organization that is the state contractor or prospective state contractor.

369 (G) "Dependent child" means a child residing in an individual's  
370 household who may legally be claimed as a dependent on the federal  
371 income tax return of such individual.

372 (H) "Managerial or discretionary responsibilities with respect to a  
373 state contract" means having direct, extensive and substantive  
374 responsibilities with respect to the negotiation of the state contract and  
375 not peripheral, clerical or ministerial responsibilities.

376 (I) "Rendition of services" means the provision of any service to a  
377 state agency or quasi-public agency in exchange for a fee,  
378 remuneration or compensation of any kind from the state or through

379 an arrangement with the state.

380 (J) "State contract solicitation" means a request by a state agency or  
381 quasi-public agency, in whatever form issued, including, but not  
382 limited to, an invitation to bid, request for proposals, request for  
383 information or request for quotes, inviting bids, quotes or other types  
384 of submittals, through a competitive procurement process or another  
385 process authorized by law waiving competitive procurement.

386 (2) On and after December 31, 2006:

387 (A) No state contractor, prospective state contractor, principal of a  
388 state contractor or principal of a prospective state contractor, with  
389 regard to a state contract or a state contract solicitation with or from a  
390 state agency in the executive branch or a quasi-public agency or a  
391 holder, or principal of a holder of a valid prequalification certificate,  
392 shall make a contribution to, or solicit contributions on behalf of (i) an  
393 exploratory committee or candidate committee established by a  
394 candidate for nomination or election to the office of Governor,  
395 Lieutenant Governor, Attorney General, State Comptroller, Secretary  
396 of the State or State Treasurer, (ii) a political committee authorized to  
397 make contributions or expenditures to or for the benefit of such  
398 candidates, or (iii) a party committee;

399 (B) No state contractor, prospective state contractor, principal of a  
400 state contractor or principal of a prospective state contractor, with  
401 regard to a state contract or a state contract solicitation with or from  
402 the General Assembly or a holder, or principal of a holder, of a valid  
403 prequalification certificate, shall make a contribution to, or solicit  
404 contributions on behalf of (i) an exploratory committee or candidate  
405 committee established by a candidate for nomination or election to the  
406 office of state senator or state representative, (ii) a political committee  
407 authorized to make contributions or expenditures to or for the benefit  
408 of such candidates, or (iii) a party committee;

409 (C) If a state contractor or principal of a state contractor makes or  
410 solicits a contribution prohibited under subparagraph (A) or (B) of this

411 subdivision, as determined by the State Elections Enforcement  
412 Commission, the contracting state agency or quasi-public agency may,  
413 in the case of a state contract executed on or after February 8, 2007,  
414 void the existing contract with said contractor, and no state agency or  
415 quasi-public agency shall award the state contractor a state contract or  
416 an extension or an amendment to a state contract for one year after the  
417 election for which such contribution is made or solicited unless the  
418 commission determines that mitigating circumstances exist concerning  
419 such violation. No violation of the prohibitions contained in  
420 subparagraph (A) or (B) of this subdivision shall be deemed to have  
421 occurred if, and only if, the improper contribution is returned to the  
422 principal by the later of thirty days after receipt of such contribution  
423 by the recipient committee treasurer or the filing date that corresponds  
424 with the reporting period in which such contribution was made; and

425 (D) If a prospective state contractor or principal of a prospective  
426 state contractor makes or solicits a contribution prohibited under  
427 subparagraph (A) or (B) of this subdivision, as determined by the State  
428 Elections Enforcement Commission, no state agency or quasi-public  
429 agency shall award the prospective state contractor the contract  
430 described in the state contract solicitation or any other state contract  
431 for one year after the election for which such contribution is made or  
432 solicited unless the commission determines that mitigating  
433 circumstances exist concerning such violation. The Commissioner of  
434 Administrative Services shall notify applicants of the provisions of this  
435 subparagraph and subparagraphs (A) and (B) of this subdivision  
436 during the prequalification application process.

437 (E) The State Elections Enforcement Commission shall make  
438 available to each state agency and quasi-public agency a written notice  
439 advising state contractors and prospective state contractors of the  
440 contribution and solicitation prohibitions contained in subparagraphs  
441 (A) and (B) of this subdivision. Such notice shall: (i) Direct each state  
442 contractor and prospective state contractor to inform each individual  
443 described in subparagraph (F) of subdivision (1) of this subsection,  
444 with regard to said state contractor or prospective state contractor,

445 about the provisions of subparagraph (A) or (B) of this subdivision,  
 446 whichever is applicable, and this subparagraph; (ii) inform each state  
 447 contractor and prospective state contractor of the civil and criminal  
 448 penalties that could be imposed for violations of such prohibitions if  
 449 any such contribution is made or solicited; (iii) inform each state  
 450 contractor and prospective state contractor that, in the case of a state  
 451 contractor, if any such contribution is made or solicited, the contract  
 452 may be voided; (iv) inform each state contractor and prospective state  
 453 contractor that, in the case of a prospective state contractor, if any such  
 454 contribution is made or solicited, the contract described in the state  
 455 contract solicitation shall not be awarded, unless the commission  
 456 determines that mitigating circumstances exist concerning such  
 457 violation; and (v) inform each state contractor and prospective state  
 458 contractor that the state will not award any other state contract to  
 459 anyone found in violation of such prohibitions for a period of one year  
 460 after the election for which such contribution is made or solicited,  
 461 unless the commission determines that mitigating circumstances exist  
 462 concerning such violation. Each state agency and quasi-public agency  
 463 shall distribute such notice to the chief executive officer of its  
 464 contractors and prospective state contractors, or an authorized  
 465 signatory to a state contract, and shall obtain a written  
 466 acknowledgement of the receipt of such notice.

467 (3) (A) On and after December 31, 2006, neither the Governor,  
 468 Lieutenant Governor, Attorney General, State Comptroller, Secretary  
 469 of the State or State Treasurer, any candidate for any such office nor  
 470 any agent of any such official or candidate shall knowingly, wilfully or  
 471 intentionally solicit contributions on behalf of an exploratory  
 472 committee or candidate committee established by a candidate for  
 473 nomination or election to any public office, a political committee or a  
 474 party committee, from a person who he or she knows is prohibited  
 475 from making contributions, including a principal of a state contractor  
 476 or prospective state contractor with regard to a state contract  
 477 solicitation with or from a state agency in the executive branch or a  
 478 quasi-public agency or a holder of a valid prequalification certificate.

479 (B) On and after December 31, 2006, neither a member of the  
 480 General Assembly, any candidate for any such office nor any agent of  
 481 any such official or candidate shall knowingly, wilfully or intentionally  
 482 solicit contributions on behalf of an exploratory committee or  
 483 candidate committee established by a candidate for nomination or  
 484 election to any public office, a political committee or a party  
 485 committee, from a person who he or she knows is prohibited from  
 486 making contributions, including a principal of a state contractor or  
 487 prospective state contractor with regard to a state contract solicitation  
 488 with or from the General Assembly or a holder of a valid  
 489 prequalification certificate.

490 (4) The provisions of this subsection shall not apply to the campaign  
 491 of a principal of a state contractor or prospective state contractor or to  
 492 a principal of a state contractor or prospective state contractor who is  
 493 an elected public official.

494 (5) Each state contractor and prospective state contractor shall make  
 495 reasonable efforts to comply with the provisions of this subsection. If  
 496 the State Elections Enforcement Commission determines that a state  
 497 contractor or prospective state contractor has failed to make reasonable  
 498 efforts to comply with this subsection, the commission may impose  
 499 civil penalties against such state contractor or prospective state  
 500 contractor in accordance with subsection (a) of section 9-7b.

501 (6) The provisions of this subsection shall not apply to any state  
 502 contractor who is a party to a contract between any state agency and  
 503 the United States Department of the Navy or the United States  
 504 Department of Defense.

505 (h) (1) Not later than thirty days after February 8, 2007, each state  
 506 agency and quasi-public agency shall prepare and forward to the State  
 507 Elections Enforcement Commission, on a form prescribed by said  
 508 commission, a list of the names of the state contractors and prospective  
 509 state contractors with which such agency is a party to a contract, and  
 510 any state contract solicitations or prequalification certificates issued by



511 the agency. Not less than once per month, each state agency and quasi-  
512 public agency shall forward to said commission, on a form prescribed  
513 by the commission, any changes additions or deletions to said lists, not  
514 later than the fifteenth day of the month.

515 (2) Not later than sixty days after February 8, 2007, the State  
516 Elections Enforcement Commission shall (A) compile a master list of  
517 state contractors and prospective state contractors for all state agencies  
518 and quasi-public agencies, based on the information received under  
519 subdivision (1) of this subsection, (B) publish the master list on the  
520 commission's Internet web site, and (C) provide copies of the master  
521 list to campaign treasurers upon request. The commission shall update  
522 the master list every month.

523 (i) The State Contracting Standards Board shall study subcontracts  
524 for state contracts and, not later than February 1, 2010, submit  
525 proposed legislation for extending the provisions of this subsection to  
526 such subcontracts to the joint standing committee of the General  
527 Assembly having cognizance of matters relating to elections.

528 (j) (1) As used in this subsection:

529 (A) "Quasi-public agency" has the same meaning as provided in  
530 section 1-120.

531 (B) "Unclassified service" has the same meaning as provided in  
532 section 5-196.

533 (2) On and after December 31, 2006:

534 (A) No executive head of a state agency in the executive branch,  
535 executive head of a quasi-public agency, deputy of any such executive  
536 head, other full-time official or employee of any such state agency or  
537 quasi-public agency who is appointed by the Governor, other full-time  
538 official or employee of any such state agency or quasi-public agency  
539 who is in the unclassified service, or member of the immediate family  
540 of any such person, shall make a contribution or contributions (i) to, or

541 for the benefit of, any candidate's campaign for nomination at a  
542 primary or election to the office of Governor or Lieutenant Governor,  
543 in excess of one hundred dollars for each such campaign, or (ii) to a  
544 political committee established by any such candidate, in excess of one  
545 hundred dollars in any calendar year;

546 (B) No official or employee of the office of the Attorney General,  
547 State Comptroller, Secretary of the State or State Treasurer who is in  
548 the unclassified service, or member of the immediate family of any  
549 such person, shall make a contribution or contributions (i) to, or for the  
550 benefit of, any candidate's campaign for nomination at a primary or  
551 election to the office in which such official or employee serves, in  
552 excess of one hundred dollars for each such campaign, or (ii) to a  
553 political committee established by any such candidate, in excess of one  
554 hundred dollars in any calendar year; and

555 (C) No member of a caucus staff for a major party in the Senate or  
556 House of Representatives, or member of the immediate family of such  
557 person, shall make a contribution or contributions (i) to, or for the  
558 benefit of, any candidate's campaign for nomination at a primary or  
559 election to the office of state senator or state representative, in excess of  
560 one hundred dollars for each such campaign, (ii) to a political  
561 committee established by any such candidate, in excess of one hundred  
562 dollars in any calendar year, or (iii) to a legislative caucus committee  
563 or a legislative leadership committee, in excess of one hundred dollars  
564 in any calendar year.

565 Sec. 5. Section 4a-60 of the general statutes is repealed and the  
566 following is substituted in lieu thereof (*Effective from passage*):

567 (a) Every contract to which the state or any political subdivision of  
568 the state other than a municipality is a party shall contain the  
569 following provisions: (1) The contractor agrees and warrants that in  
570 the performance of the contract such contractor will not discriminate  
571 or permit discrimination against any person or group of persons on the  
572 grounds of race, color, religious creed, age, marital status, national

573 origin, ancestry, sex, mental retardation or physical disability,  
574 including, but not limited to, blindness, unless it is shown by such  
575 contractor that such disability prevents performance of the work  
576 involved, in any manner prohibited by the laws of the United States or  
577 of the state of Connecticut. The contractor further agrees to take  
578 affirmative action to insure that applicants with job-related  
579 qualifications are employed and that employees are treated when  
580 employed without regard to their race, color, religious creed, age,  
581 marital status, national origin, ancestry, sex, mental retardation, or  
582 physical disability, including, but not limited to, blindness, unless it is  
583 shown by such contractor that such disability prevents performance of  
584 the work involved; (2) the contractor agrees, in all solicitations or  
585 advertisements for employees placed by or on behalf of the contractor,  
586 to state that it is an "affirmative action-equal opportunity employer" in  
587 accordance with regulations adopted by the commission; (3) the  
588 contractor agrees to provide each labor union or representative of  
589 workers with which such contractor has a collective bargaining  
590 agreement or other contract or understanding and each vendor with  
591 which such contractor has a contract or understanding, a notice to be  
592 provided by the commission advising the labor union or workers'  
593 representative of the contractor's commitments under this section, and  
594 to post copies of the notice in conspicuous places available to  
595 employees and applicants for employment; (4) the contractor agrees to  
596 comply with each provision of this section and sections 46a-68e and  
597 46a-68f and with each regulation or relevant order issued by said  
598 commission pursuant to sections 46a-56, 46a-68e and 46a-68f; and (5)  
599 the contractor agrees to provide the Commission on Human Rights  
600 and Opportunities with such information requested by the  
601 commission, and permit access to pertinent books, records and  
602 accounts, concerning the employment practices and procedures of the  
603 contractor as relate to the provisions of this section and section 46a-56.  
604 If the contract is a public works contract, the contractor agrees and  
605 warrants that he will make good faith efforts to employ minority  
606 business enterprises as subcontractors and suppliers of materials on  
607 such public works project. Prior to entering into the contract, the

608 contractor shall provide the state or such political subdivision of the  
609 state with documentation in the form of a company or corporate policy  
610 adopted by resolution of the board of directors, shareholders,  
611 managers, members or other governing body of such contractor to  
612 support the nondiscrimination agreement and warranty under  
613 subdivision (1) of this subsection. For the purposes of this section,  
614 "contract" includes any extension or modification of the contract, and  
615 "contractor" includes any successors or assigns of the contractor.

616 (b) For the purposes of this section, "minority business enterprise"  
617 means any small contractor or supplier of materials fifty-one per cent  
618 or more of the capital stock, if any, or assets of which is owned by a  
619 person or persons: (1) Who are active in the daily affairs of the  
620 enterprise, (2) who have the power to direct the management and  
621 policies of the enterprise, and (3) who are members of a minority, as  
622 such term is defined in subsection (a) of section 32-9n; and "good faith"  
623 means that degree of diligence which a reasonable person would  
624 exercise in the performance of legal duties and obligations. "Good faith  
625 efforts" shall include, but not be limited to, those reasonable initial  
626 efforts necessary to comply with statutory or regulatory requirements  
627 and additional or substituted efforts when it is determined that such  
628 initial efforts will not be sufficient to comply with such requirements.

629 (c) Determination of the contractor's good faith efforts shall include  
630 but shall not be limited to the following factors: The contractor's  
631 employment and subcontracting policies, patterns and practices;  
632 affirmative advertising, recruitment and training; technical assistance  
633 activities and such other reasonable activities or efforts as the  
634 commission may prescribe that are designed to ensure the  
635 participation of minority business enterprises in public works projects.

636 (d) The contractor shall develop and maintain adequate  
637 documentation, in a manner prescribed by the commission, of its good  
638 faith efforts.

639 (e) The contractor shall include the provisions of subsection (a) of

640 this section in every subcontract or purchase order entered into in  
 641 order to fulfill any obligation of a contract with the state and such  
 642 provisions shall be binding on a subcontractor, vendor or  
 643 manufacturer unless exempted by regulations or orders of the  
 644 commission. The contractor shall take such action with respect to any  
 645 such subcontract or purchase order as the commission may direct as a  
 646 means of enforcing such provisions including sanctions for  
 647 noncompliance in accordance with section 46a-56; provided, if such  
 648 contractor becomes involved in, or is threatened with, litigation with a  
 649 subcontractor or vendor as a result of such direction by the  
 650 commission, the contractor may request the state of Connecticut to  
 651 enter into any such litigation or negotiation prior thereto to protect the  
 652 interests of the state and the state may so enter.

653 (f) The provisions of subsections (a) to (e), inclusive, of this section  
 654 shall not apply to any contract between the state and the United States  
 655 Department of the Navy or the United States Department of Defense.

656 Sec. 6. Section 4a-60a of the general statutes is repealed and the  
 657 following is substituted in lieu thereof (*Effective from passage*):

658 (a) Every contract to which the state or any political subdivision of  
 659 the state other than a municipality is a party shall contain the  
 660 following provisions: (1) The contractor agrees and warrants that in  
 661 the performance of the contract such contractor will not discriminate  
 662 or permit discrimination against any person or group of persons on the  
 663 grounds of sexual orientation, in any manner prohibited by the laws of  
 664 the United States or of the state of Connecticut, and that employees are  
 665 treated when employed without regard to their sexual orientation; (2)  
 666 the contractor agrees to provide each labor union or representative of  
 667 workers with which such contractor has a collective bargaining  
 668 agreement or other contract or understanding and each vendor with  
 669 which such contractor has a contract or understanding, a notice to be  
 670 provided by the Commission on Human Rights and Opportunities  
 671 advising the labor union or workers' representative of the contractor's  
 672 commitments under this section, and to post copies of the notice in

673 conspicuous places available to employees and applicants for  
 674 employment; (3) the contractor agrees to comply with each provision  
 675 of this section and with each regulation or relevant order issued by  
 676 said commission pursuant to section 46a-56; and (4) the contractor  
 677 agrees to provide the Commission on Human Rights and  
 678 Opportunities with such information requested by the commission,  
 679 and permit access to pertinent books, records and accounts, concerning  
 680 the employment practices and procedures of the contractor which  
 681 relate to the provisions of this section and section 46a-56. Prior to  
 682 entering into the contract, the contractor shall provide the state or such  
 683 political subdivision of the state with documentation in the form of a  
 684 company or corporate policy adopted by resolution of the board of  
 685 directors, shareholders, managers, members or other governing body  
 686 of such contractor to support the nondiscrimination agreement and  
 687 warranty under subdivision (1) of this subsection. For the purposes of  
 688 this section, "contract" includes any extension or modification of the  
 689 contract, and "contractor" includes any successors or assigns of the  
 690 contractor.

691 (b) The contractor shall include the provisions of subsection (a) of  
 692 this section in every subcontract or purchase order entered into in  
 693 order to fulfill any obligation of a contract with the state and such  
 694 provisions shall be binding on a subcontractor, vendor or  
 695 manufacturer unless exempted by regulations or orders of the  
 696 commission. The contractor shall take such action with respect to any  
 697 such subcontract or purchase order as the commission may direct as a  
 698 means of enforcing such provisions including sanctions for  
 699 noncompliance in accordance with section 46a-56; provided, if such  
 700 contractor becomes involved in, or is threatened with, litigation with a  
 701 subcontractor or vendor as a result of such direction by the  
 702 commission, the contractor may request the state of Connecticut to  
 703 enter into any such litigation or negotiation prior thereto to protect the  
 704 interests of the state and the state may so enter.

705 (c) The provisions of subsections (a) and (b) of this section shall not  
 706 apply to any contract between the state and the United States

707 Department of the Navy or the United States Department of Defense.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	32-235
Sec. 2	<i>from passage</i>	32-223(a)
Sec. 3	<i>from passage</i>	32-223(c)
Sec. 4	<i>from passage</i>	9-612
Sec. 5	<i>from passage</i>	4a-60
Sec. 6	<i>from passage</i>	4a-60a

***CE***

***Joint Favorable C/R***

**FIN**